



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

March 13, 2012

1203-VS-04

Exhibit 1

**Petition Number:** 1203-VS-04

**Subject Site Address:** 16508 Oak Rd

**Petitioner:** Dawn and Michael Stelts

**Request:** The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.030.B.6.b) to reduce the side yard setback from 30 feet to 3 feet to accommodate an addition to an existing garage.

**Current Zoning:** AG-SF1

**Current Land Use:** Residential

**Approximate Acreage:** 2.3 acres

**Zoning History:** 00-V-32, 9/18/2000

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Plans

**Staff Reviewer:** Ryan Clark, Associate Planner

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**Petition History**

This petition will receive a public hearing at the March 13, 2012 Board of Zoning Appeals meeting.

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**Property History**

On September 18, 2000, the Board of Zoning Appeals approved multiple variances of development standard for minimum lot frontage and minimum lot area to permit the erection of a detached garage on the subject property (00-V-32).

**Property Location & Project Description**

The subject property is used residentially and is located at 16508 Oak Road (the "Property"). The Property is located in the Ag-SF1 District. Zoning surrounding the Property is AG-SF1 to the north, south,



and west with SF-2 zoning to the east. An existing accessory building west of the residence (the "Accessory Building") was built in 2000 and has a three (3) foot setback along the southern property line.

The petitioner desires to expand the Accessory Building along the western property line and maintain the current three (3) foot setback. Presently, the AG-SF1 district requires a thirty (30) foot side yard setback and is the reason the variance is required.

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### **Procedural**

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that the submitted proposal would be injurious to the public health, safety, morals, and general welfare of the community. Accessory buildings are allowed on residential properties, and the surrounding residential property is used in the same manner and of the same character as the Property.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Accessory buildings are permitted and a contemplated land use in the AG-SF1 district. Also, the proposed Accessory Building addition is screened by a large stand of mature evergreen trees along the southern and western property lines. The addition would not be visible from Oak Road.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** Strict adherence to the Zoning Ordinance would result in the Accessory Building addition being constructed in a different location on the property. The applicant has noted that meeting the thirty (30) foot setback would cause drainage issues on the property.



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**Recommendation**

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1203-VS-04 based on the findings of this report.